



[TRANSLATION]

Citation: *AR v Minister of Employment and Social Development*, 2025 SST 362

**Social Security Tribunal of Canada
General Division – Income Security Section**

Decision

Appellant: A. R.
Representative: M. G.
Respondent: Minister of Employment and Social Development

Decision under appeal: Minister of Employment and Social Development
reconsideration decision dated April 3, 2023 (issued by
Service Canada)

Tribunal member: Antoinette Cardillo
Decision date: January 31, 2025
File number: GP-24-1786

Decision

[1] The appeal won't go ahead. Here is why.

Overview

[2] The Appellant applied for an Old Age Security (OAS) pension on June 22, 2017.¹ The Minister of Employment and Social Development (Minister) refused her application. The Appellant asked for its decision to be reconsidered. On April 3, 2023, after reconsidering its decision, the Minister refused the application again.²

[3] On October 14, 2024, the Appellant appealed the reconsideration decision to the Social Security Tribunal (Tribunal).

What I have to decide

[4] I have to decide whether the Appellant filed her appeal on time.

Reasons for my decision

[5] The appeal won't go ahead because the Appellant didn't file it with the Tribunal on time. Here are the reasons for my decision.

What the law says

[6] If you disagree with the Minister's reconsideration decision, you have 90 days from the day the Minister told you about the decision to file an appeal with the Tribunal.³

[7] If you go past this deadline, the Tribunal can give you more time (in other words, it can accept the appeal even though it is late). But the deadline to appeal a reconsideration decision can't be extended for more than one year.⁴

¹ See GD2-7.

² See GD2-117.

³ See section 52(1) of the *Department of Employment and Social Development Act* (DESD Act).

⁴ See section 52(2) of the DESD Act.

The appeal was past the one-year deadline

[8] I find that the Appellant appealed after the one-year deadline.

– The Minister communicated its decision on April 3, 2023

[9] The Minister communicated its reconsideration decision to the Appellant on April 3, 2023.

[10] Canada Post usually delivers mail within 10 days in Canada. It is reasonable to believe that this is what happened in this case.

[11] Also, the Appellant's daughter sent a letter saying they disagreed with the reconsideration decision. The letter was dated April 15, 2023—proving that the Appellant had received the Minister's reconsideration decision. So, the Appellant received the reconsideration decision between April 3 and 15, 2023.

– The appeal had to be filed by April 15, 2024

[12] The Appellant had until April 15, 2024, to appeal to the Tribunal (one year after the reconsideration decision was communicated).

[13] She filed her appeal on October 14, 2024.

[14] The Tribunal doesn't have equitable jurisdiction. In other words, I can't allow the appeal just because I think it would be fair to do so, or because I want to help the Appellant out of a difficult situation. I have to follow the law.

Conclusion

[15] The Appellant filed her appeal more than one year after the Minister communicated its decision to her.

[16] This means the appeal won't go ahead.

Antoinette Cardillo
Member, General Division – Income Security Section